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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,672	07/07/2006	Gianpaolo Cortinovis	820620189	2024

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HOGAN & HARTSON LLP  
IP GROUP, COLUMBIA SQUARE  
555 THIRTEENTH STREET, N.W.  
WASHINGTON, DC 20004

EXAMINER
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WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3657

NOTIFICATION DATE	DELIVERY MODE
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10/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com  
rogruwel@hhlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,672	<b>Applicant(s)</b> CORTINOVIS ET AL.	
	<b>Examiner</b> Thomas J. Williams	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/24/06</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

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### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the information disclosure statement and preliminary amendment filed January 24, 2006 and the oath filed July 7, 2006.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the reaction shoulders" in lines 18-19. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 8 recites the limitation "the respective arch" in 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 8 recites the limitation "the seat" in line 4. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 5 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,527,090 to Barillot et al.

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Re-claim 1, Barillot et al. disclose a spring member for disc brake calipers, wherein the caliper is disposed astride a brake disc 1 and comprises a space for at least on pad 15, the spring member comprises a U-shaped portion (see figure 1) for forming a connection with a protuberance 7 of a reaction surface, a first resilient portion 65 extends in the radial direction and acts on the pad in a tangential direction, a second resilient portion acts on the pad in a radial direction, the first resilient portion is inclined in a manner such that a first connection end 67 is in contact with a reaction shoulder (see figure 7), a second connection end is arranged in the tangential direction further towards the housing space than the first connection end, the spring member is a single body, the pad 15 is acted on resiliently by the spring member in both the radial direction and the tangential direction, whether or not a braking force is applied.

Re-claim 2, see figure 4.

Re-claim 5, see figure 7.

Re-claim 9, see tabs 21.

Re-claims 10-12, the spring member is used with a disc-brake caliper.

9. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,003,642 to Mori et al.

Re-claim 1, Mori et al. disclose a spring member for disc brake calipers, wherein the caliper is disposed astride a brake disc and comprises a space for at least on pad 20, the spring member comprises a U-shaped portion 46 for forming a connection with a protuberance 16 of a reaction surface, a first resilient portion 64 extends in the radial direction and acts on the pad in a tangential direction (see column 5 lines 8-13), a second resilient portion 74 acts on the pad in a radial direction (see column 5 lines 45-49), the first resilient portion is inclined in a manner such

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that a first connection end 66 is in contact with a reaction shoulder (see figure 1), a second connection end 82 is arranged in the tangential direction further towards the housing space than the first connection end, the spring member is a single body, the pad 20 is acted on resiliently by the spring member in both the radial direction and the tangential direction, whether or not a braking force is applied.

Re-claim 2, the first resilient portion 64 is substantially straight.

Re-claim 3, the spring has two limbs, see figure 2b and a connecting arm 42.

Re-claim 4, the spring member is mounted astride the brake disc.

Re-claim 5, the U-shaped portion is substantially trapezoidal shaped.

Re-claim 6, see notches adjacent portion 58, see figure 2b.

Re-claim 7, see various fingers in figure 4.

Re-claim 8, the length of the connecting arm constitutes a thrust portion, since any portion of this connecting arm can come into contact with a surface of an arch of the caliper support 14.

Re-claim 9, see specifically tabs 60 and/or 62.

Re-claims 10-12, the spring member is used in a disc brake caliper.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoyagi teach a spring member having a first and second resilient portion with first and second connection ends for biasing the pad in a tangential and radial direction.

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11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/  
Primary Examiner, Art Unit 3657

October 8, 2008